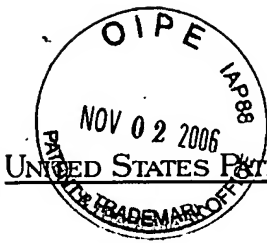


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11-03-06



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| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|------------------------|------------------------|
| 10/777,010 | 02/11/2004 | Carsten-Peter Carstens | 25436/1344 |

CONFIRMATION NO. 3414

FORMALITIES
 LETTER

27495
 PALMER & DODGE, LLP
 KATHLEEN M. WILLIAMS / STR
 111 HUNTINGTON AVENUE
 BOSTON, MA 02199

Date Mailed: 10/03/2006

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Filing Date Granted

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR §§ 1.821-1.825. The application must be in sequence compliance before examination on the merits.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR § 1.821(g). Extension of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR § 1.136. In no case may an applicant extend the period for response beyond the six-month statutory period. Direct the response to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

See the attachment.

Applicant Must Provide as part of the response:


- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

To Download Patent Software, visit <http://www.uspto.gov/web/patents/software.htm>
 For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patent Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patent Software Program Help @ ebc@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*


Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE



Atty. Docket No.: 25436/1344

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carstens
Serial No.: 10/777,010
Filed: February 11, 2004
Entitled: Methods and Compositions for High
Level Expression of Heterologous
Protein with Poor Codon Usage

Examiner: Burkhart, M.D.

Group Art Unit: 1633

Conf. No.: 3414

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EV892896163US** on this date, **November 2, 2006**, postage prepaid, in an envelope addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Elizabeth Taylor

Name of Person Mailing Paper

Signature of Person Mailing Paper

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS
FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Sir:

A corrected sequence listing in paper and computer-readable forms is submitted in response to the Notice to Comply With Requirements For Patent Applications Containing Nucleotide And/Or Amino Acid Sequence Disclosures mailed by the PTO on October 3, 2006.

The Notice stated that the claims recite sequences using a Genbank accession No., that the sequences are critical to the claimed invention and as such must be a part of the disclosure, as in the sequence listing. The replacement sequence listing includes sequences for Genbank Accession Nos. AE000159, AE000350 and J01713. The listing of these sequences adds no new matter.

Applicants, in compliance with 37 C.F.R. 1.821(f), hereby state that the information recorded in computer readable form submitted herewith is identical to the written sequence listing. Applicants, in compliance with 37 C.F.R. 1.821(g), further state that no new matter is added.

Respectfully submitted,

Date: November 2, 2006

Name: Mark J. Fitzgerald

Registration No.: 45,928

Customer No.: 27495

Edwards Angell Palmer & Dodge LLP

P.O. Box 55874

Boston, MA 02205

Tel: 617-239-0100



Atty. Docket No.: 25436/1344

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Carstens
Serial No.: 10/777,010
Filed: February 11, 2004
Entitled: Methods and Compositions for High
Level Expression of Heterologous
Protein with Poor Codon Usage

Examiner: Burkhardt, M.D.

Group Art Unit: 1633

Conf. No.: 3414

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EV892896163US** on this date, **November 2, 2006**, postage prepaid, in an envelope addressed to Mail Stop: Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Elizabeth Taylor

Name of Person Mailing Paper

Signature of Person Mailing Paper

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Enclosed for filing in the above-identified patent application, please find the following documents:

1. Response to Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures;
2. Copy of Notice to Comply – Part 2;
3. Paper copy of Sequence Listing;
4. Computer readable copy of the Sequence Listing; and
5. Return Post Card.

The Commissioner for Patents is hereby authorized to charge any fees to Deposit Account No. 04-1105, Reference 225436/1344. A duplicate of this transmittal letter is enclosed for this purpose.

Date: November 2, 2006

Respectfully submitted,

Name: Mark J. Fitzgerald

Registration No.: 45,928

Customer No.: 27495

Edwards Angell Palmer & Dodge LLP

P.O. Box 55874

Boston, MA 02205

Tel: 617-239-0100